

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**EUGENE GILYARD, et al.** : **CIVIL ACTION**  
v. :  
**DENNIS DUSAK, et al.** : **NO. 16-2986**  
: :  
:

**ORDER**

**AND NOW**, this 29<sup>th</sup> day of June 2017, upon consideration of Defendants' Motion for summary judgment (ECF Doc. No. 68), Plaintiffs' Response (ECF Doc. No. 76), Defendants' Reply (ECF Doc. No. 86), Plaintiffs' Sur-reply (ECF Doc. No. 90) and for reasons in the accompanying Memorandum, it is **ORDERED** Defendants' Motion (ECF Doc. No. 68) is **GRANTED in part and DENIED in part**:

1. We **grant** Defendants' Motion and **dismiss** the state law claims of false arrest, negligent infliction of emotional distress, intentional infliction of emotional distress, breach of fiduciary duty and government trust, invasion of privacy, defamation, abuse of process, and misuse of process as **withdrawn** at oral argument;
2. We **grant** Defendants' Motion as to Detective Wynn and he is **dismissed**;
3. We **deny** Defendants' Motion as to Detectives Dusak and Benham; and,
4. We **deny** Defendants' Motion as to the City of Philadelphia based solely on evidence relating to a failure to train theory or failure to supervise theory but may not assert municipal liability against the City of Philadelphia based on a claim of unconstitutional policy.



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KEARNEY, J.